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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/068,052	04/29/1998	KIYOTAKA KOIDE	9319S-000063	1911

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EXAMINER

TON, MINH TOAN T

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 12/03/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/068,052

Applicant(s)

KOIDE, KIYOTAKA

Examiner

Toan Ton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on papers filed 09-04-01.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 15-28 is/are pending in the application.
- 4a) Of the above claim(s) 1,2,4-7,18-20,27 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-12,15-17,,21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Election/Restriction

1. An election of species (II) directing to claims 8-12, 15-17, 21-26 is acknowledged.
Claims 1-2, 4-7, 18-20, 27-28 are withdrawn from consideration.

Claim Rejections - 35 U.S.C. § 102

2. Claims 8-10, 16, 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujikama et al (PN 5719647).

Fujikama discloses (see Figure 3) a liquid crystal display device comprising : a pair of substrates 14, 15; a liquid crystal layer 21 sandwiched between the substrates; a wiring layer having a first conductive layer 7 (first electrode) formed on at least one inner surface of one of the substrates; an insulator 8 formed on the lower electrode 7; an upper electrode 11 formed on the insulator; an insulating film 16 having a contact hole 10 formed on a surface of the wiring layer; a pixel electrode 9 connected to the wiring layer through the contact hole of the insulating film.

Claim Rejections - 35 USC § 103

3. Claims 11-12, 15, 17, 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujikama as applied to claims 8-10, 16, 21-23 above.

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Fujikama discloses a MIM device comprising the first conductive layer 7, the insulating layer 8 and the upper electrode 11 (i.e., the upper electrode is integrally formed with the wiring layer). It would have been obvious to one of ordinary skill in the art to form the upper electrode separately from the wiring layer since it has been held obvious to make things (elements) separable.

Insulating film (with contact holes) employ shading characteristics is known in the art for advantages such as preventing light-leakage.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Response to Arguments

5. Applicant's arguments filed 11-30-00 have been fully considered but they are not persuasive.

Applicant's *only* arguments are as follows :

(1) Fujikawa fails to disclose a wiring layer having a first electrode portion integrally formed therewith.

(2) Fujikawa fails to disclose a second electrode layer disposed on the first electrode layer as claimed.

(3) Fujikawa fails to disclose a pixel contact portion of the second electrode layer being coupled to a contact portion of the wiring layer as claimed.

Examiner's responses to Applicant's *only* arguments are as follows :

(1) Fujikawa discloses a wiring layer having formed a first conductive layer 7 (first electrode) on at least one inner surface of one of the substrates (see Figure 3).

(2) Fujikawa discloses an upper electrode 11 (second electrode) formed on the insulator 8 which is formed on the first conductive layer 7.

(3) Fujikawa discloses the insulating film 16 having a contact hole 10 formed on a surface of the wiring layer and the upper electrode; a pixel electrode 9 connected to the wiring layer through the contact hole of the insulating film.

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Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. TON whose telephone number is (703) 305-3489. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

November 13, 2001


TOANTON
PRIMARY EXAMINER